



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

MAY 28 2004

DOT-E 7616
(SEVENTEENTH REVISION)

EXPIRATION DATE: April 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Union Pacific Railroad Company
Omaha, Nebraska

(See Appendix A to this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the carrier to accept shipping paper information for hazardous materials shipments via telephone (voice communications) and authorizes a variance in the certification requirement, when transmitted via telephonically (through voice communications) or through electronic data interchange (EDI). This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a); §§ 172.204(a) and (d); § 174.3; and § 174.24.
5. BASIS: This exemption is based on Union Pacific Railroad Company's application dated March 31, 2004, submitted in accordance with § 107.109.

MAY 28 2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101): The proper shipping description authorized under the terms of this exemption must be as specified in 49 CFR Subpart B of Part 172, an exemption issued under 49 CFR Subpart B of Part 107, or as authorized in accordance with 49 CFR § 171.12 or § 171.12a.
7. PACKAGING(S) and SAFETY CONTROL MEASURES:
- a. ACCEPTANCE: A carrier may accept shipping paper information either telephonically (voice communications) or electronically (EDI) from offerors of hazardous materials in accordance with the provisions of this exemption.
- b. TELEPHONIC: When receiving shipping papers telephonically (through voice communications):
- (1) A shipping paper (record) for a loaded movement must be forwarded to the carrier within five working days, unless the carrier sends the offeror a copy of the shipping paper prepared on the offeror's behalf.
 - (2) If the carrier generates a residue shipping paper from the information relating to the previous loaded movement of a bulk packaging, the carrier's representative must ensure that the description to accompany that shipment is as per the offeror request. (For certification requirements, see paragraph 8.a.(1)). This may be accomplished by either:
 - (i) Reading the complete hazard communications description which will accompany the shipment to the offeror and receive verbal acknowledgment that the description is as required; or
 - (ii) Prior to July 31, 1995, forwarding a shipping paper (record) to the offeror within seven working days, unless the carrier has received a copy of the shipping paper from the offeror. After July 31, 1995, forwarding a copy of the description which will accompany the shipment via either electronic data interchange, facsimile, or mail to the offeror prior to the shipment being pulled by a train crew. The offeror must be given time to ensure the description is as required.

(3) A method of retaining information concerning time of release, the person releasing the shipment for transportation, and the person accepting the shipment for transportation must be used. This information must be retained for a period of one year.

c. ELECTRONIC: When receiving shipping papers electronically (via EDI), the carrier and the offeror must have a procedure by which the offeror can verify accuracy of the transmitted hazard communication information that will accompany the shipment. After July 31, 1995, this procedure must be a written procedure on file with the Associate Administrator for Hazardous Materials Safety (AAHMS).

d. RECORD RETENTION: The offeror, the carrier, and any entity performing a function under the terms of this exemption, must maintain a copy of the shipping paper or transaction set transmitted for the hazardous materials shipment for a period of one year. Records may be retained using any available format (magnetic tape, paper retention, microfiche, etc.) and must be made available for inspection in a format readable by a representative of the Department upon request.

8. SPECIAL PROVISIONS:

a. CERTIFICATION: When required, the certification required under § 172.204(a) must be entered on the shipping paper in accordance with the following:

(1) Telephonic - When received telephonically, the original shipping paper, if required, must contain either:

(i) the full certification specified in § 172.204(a); or

(ii) the following abbreviated certification, in lieu of the full certification:

"* * * , on behalf of shipper [or offeror] avers certification specified in § 172.204(a)."

(The name of the principle partner, officer, or employee of the offeror or his agent must be substituted for the asterisks.)

MAY 28 2004

(2) Electronic Data Interchange (EDI) - When received electronically, the original shipping paper, if required, must contain either:

(i) the shortened certification as specified in paragraph 8.a.(1)(ii); or

(ii) the name of the principal person, partner, officer, or employee of the offeror or his agent in a computer field defined for that purpose. This name must be a consent on the part of the offeror to the terms of this exemption and the certification requirements of § 172.204.

b. EXEMPTION NOTATION: The notation "DOT-E 7616" must be placed on the shipping paper in accordance with the following:

(1) Electronically - The notation DOT-E 7616 is not required on shipping papers or transaction sets for shipments offered electronically.

(2) Telephonically - The notation DOT-E 7616 is required on the original shipping paper prepared by the carrier on the offeror's behalf. The notation DOT-E 7616 is not required on any consist, work order or other shipping paper in the possession of the train crew.

c. EXEMPTION AVAILABILITY: The carrier must provide a current copy of this exemption, upon request, to each trading partner offering hazardous materials under the terms of this exemption.

d. MOVEMENT DOCUMENTS: A member of a train crew of a train transporting hazardous materials must have in his possession a copy of the shipping papers (e.g. waybill, train consist, or other similar document) for each shipment of hazardous materials being transported.

e. MARKING: Transport vehicles, and other packagings, offered under the terms of this exemption need not be marked with the exemption number in accordance with § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: Not as a condition of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

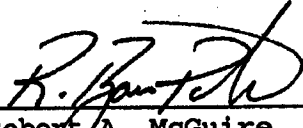
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 28 2004

(DATE)

Continuation of DOT-E 7616 (17th Rev.)

MAY 28 2004

Page 6

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: dl

DEC 1 2004

The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Alaska Railroad Corporation Anchorage, AK	Jul 8, 2004	Jul 29, 2004	Apr 30, 2006
Ann Arbor Railroad Toledo, OH	May 21, 2004	May 28, 2004	Apr 30, 2006
B&H Rail Corp. (BH) Lakeville, NY	Aug 3, 2004	Aug 10, 2004	Apr 30, 2006
Birmingham Southern Railroad Company Monroeville, PA	Apr 1, 2004	May 28, 2004	Apr 30, 2006
Burlington Northern and Santa Fe Railway Company Topeka, KS	Feb 02, 2006	Mar 24, 2004	Apr 30, 2006
CSX Transportation (CSXT) Jacksonville, FL	Apr 13, 2004	May 28, 2004	Apr 30, 2006
Canadian Pacific Railway Company Minneapolis, MN	Mar 12, 2004	May 28, 2004	Apr 30, 2006
Canadian National Railway U.S. Operations Homewood, IL	Apr 5, 2004	May 28, 2004	Apr 30, 2006
Consolidated Rail Corporation (CONRAIL) Mt. Laurel, NJ	Mar 8, 2004	May 28, 2004	Apr 30, 2006
Dakota, Minnesota & Eastern Sioux Falls, SD	Nov 23, 2004	DEC 1 - 2004	Apr 30, 2006
Elgin, Joliet and Eastern Railway Company Monroeville, PA	Apr 1, 2004	May 28, 2004	Apr 30, 2006
Florida East Coast Railway, LLC St. Augustine, FL	Jul 19, 2004	Jul 20, 2004	Apr 30, 2006
Georgia Midland Railroad, Inc. Americus, GA	Sep 01, 2004	Sep 28, 2004	Apr 30, 2006

DEC 1 2004

Company Name City/State	Application Date	Issue Date	Expiration Date
Heart of Georgia Railroad, Inc., Americus, GA	Aug 2, 2004	Aug 10, 2004	Apr 30, 2006
Georgia Northeastern Railroad Marietta, GA	Apr 28, 2004	May 28, 2004	Apr 30, 2006
Iowa Chicago & Eastern Railroad Sioux Falls, SD	Nov 23, 2004	DEC 1 2004	Apr 30, 2006
ISG Railways, Inc. Coatesville, PA	Jun 1, 2004	Jul 20, 2004	Apr 30, 2006
Kinder Morgan Materials Services Sewickley, PA	Feb 03, 2004	Mar 24, 2004	Apr 30, 2006
Norfolk Southern Corporation Roanoke, VA	Feb 10, 2004	Mar 24, 2004	Apr 30, 2006
SMS Rail Service, Inc. (SLRS) Bridgeport, NJ	Dec 20, 2003	Mar 24, 2004	Apr 30, 2006
The Kansas City Southern Railway Co. Kansas City, MO	Apr 29, 2004	May 28, 2004	Apr 30, 2006
The Paducah & Louisville Railway, Inc. Paducah, KY	Mar 1, 2004	May 28, 2004	Apr 30, 2006
Wheeling & Lake Erie Railway Company Brewster, OH	Sep 27, 2004 and Oct 8, 2004	Oct 8, 2004	Apr 30, 2006

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Date